

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

TAMI SKROVIG, as Personal Representative of the Estate of Thomas Jeffrey Skrovig, Deceased,)	CIV 10-4022-JLV
)	
)	
Plaintiff,)	DEFENDANT'S MOTION FOR STAY
)	OF EXECUTION ON JUDGMENT AND
vs.)	WAIVER OF SUPERSEDEAS BOND
)	
BNSF RAILWAY COMPANY, a Delaware Corporation,)	
)	
Defendant.)	

Defendant BNSF Railway Company ("BNSF") hereby moves the Court, pursuant to Fed. R. Civ. P. 62, for an order staying proceedings to enforce the judgment of this Court entered on May 2, 2012 (Dkt. No. 193), pending the adjudication of BNSF's post-trial motions and, if necessary, pending an appeal to the United States Court of Appeals for the Eighth Circuit, and moves for an order waiving the bond requirement. In the alternative, BNSF respectfully requests that the Court enter a stay for a period of 60 days or a time period that the Court deems appropriate, to allow BNSF to obtain a bond or other sufficient collateral in order to be entitled to a stay.

This motion is based upon all of the files, records and proceedings herein, as well as the arguments and authorities submitted to the Court in the memorandum brief submitted contemporaneously herewith. A proposed order is attached.

Counsel for plaintiff has notified the undersigned that plaintiff does oppose this motion.

DATED this 24th day of May, 2012.

BNSF RAILWAY COMPANY, Defendant

By: s/ Thomas C. Sattler
Thomas C. Sattler
Nichole S. Bogen, *pro hac vice*
WOLFE, SNOWDEN, HURD,
LUERS & AHL, LLP
Wells Fargo Center
1248 "O" Street, Suite 800
Lincoln, NE 68508
T: (402) 474-1507
tsattler@wolfesnowden.com
nbogen@wolfesnowden.com

CERTIFICATE OF SERVICE

I hereby certify that on May 24, 2012, I electronically filed the foregoing ***Defendant's Motion for Stay of Execution on Judgment and Waiver of Supersedeas Bond*** with the Clerk of the Court using CM/ECF system which sent notification of such filing to the following:

Shane E. Eden
Edwin E. Evans
Davenport, Evans, Hurwitz, & Smith, LLP
206 West 14th Street
P.O. Box 1030
Sioux Falls, SD 57101-1030
SEE@dehs.com
eevans@dehs.com
Attorneys for Plaintiff

s/ Thomas C. Sattler
Thomas C. Sattler